THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 18157 OF 2007

Dated 3rd September, 2007

Between:

Pamarthi Lakshmana Rao and another.

…Petitioner

And

Krishna District Cooperative Central Bank,
represented by its Chairman, Machilipatnam
and another.

…Respondents.

ORAL ORDER:

In this writ petition, the petitioners seek directions by way of mandamus to the respondents not to proceed as per the orders in E.P.No.216/06-07 in Award No.1646/04-05 dated 14.2.2005 on the file of the Special Cadre Deputy Registrar/Officer on Special Duty.

The petitioners obtained loans from the second respondent – Primary Agricultural Cooperative Society. On the ground that the loan amounts were not paid, on the application filed by the second respondent, Award was passed vide proceedings No. 1646/04-05. For execution of the said award, under Rule 52 of the Andhra Pradesh Cooperative Society Rules, E.P.No. 216 of 2006-07 was filed. When a notice in Form No.6, contemplated before sale of the mortgaged property, was issued demanding an amount of Rs.12,205/-, the petitioner has filed the present writ petition seeking directions not to proceed with the E.P.

It is the grievance of the petitioners that they were doing pisciculture in the lands owned by them. But, the same were destroyed illegally under the provisions of the Wild Life Protection Act. It is further stated that even their lands are presently in possession of the Forest Department and in that view of the matter, they are unable to pay the amount.

When the award has become final and if the petitioners are aggrieved, they can as well question the Award before the appellate authority, but, when pursuant to award E.P. is filed and steps are taken, the petitioners cannot seek any directions by way of mandamus not to proceed with the E.P. In that view of the matter, I do not find any illegality, which warrants interference in this Writ petition. However, it is open for the petitioners to avail appropriate remedy available to them.

The writ petition is accordingly dismissed. No costs.

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3-9-2007

R.SUBHASH REDDY, J.

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